

On April 12, 1921, no claimant having appeared for the property, judgment of the court was entered declaring the product to be misbranded and ordering its destruction by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10153. Misbranding of Hall's catarrh medicine. U. S. \* \* \* v. One Gross Bottles \* \* \* Hall's Catarrh Medicine. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14068. Inv. No. 21078. S. No. E-2938.)

On or about December 16, 1920, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and subsequently, an amendment to the said libel, praying the seizure and condemnation of one gross bottles of Hall's catarrh medicine, remaining unsold in the original packages at Savannah, Ga., alleging that the article had been shipped by F. J. Cheney & Co., Toledo, Ohio, October 11, 1920, and transported from the State of Ohio into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium iodid, bitter plant extractives, sugar, alcohol, and water, flavored with cardamom.

The allegations in the libel, as amended, with reference to the false and fraudulent statements as to the curative and therapeutic effect of the said article, appearing in the labeling thereof, are substantially the same as those set forth in detail in Notice of Judgment No. 10065, to which reference is made.

On December 20, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10154. Adulteration of canned water loganberries. U. S. \* \* \* v. 150 Cases of Water Loganberries. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14209. I. S. No. 3442-t. S. No. C-2697.)

On January 17, 1921, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 150 cases of water loganberries, remaining unsold in the original unbroken packages at Deadwood, S. D., alleging that the article had been shipped by Puyallup & Sumner Fruit Growers Canning Co., Puyallup, Wash., on or about October 22, 1920, and transported from the State of Washington into the State of South Dakota, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Famous Sumner Brand Water Loganberries \* \* \* Grown and Packed By The Puyallup & Sumner Fruit Growers Ass'n. Canneries At Sumner And Puyallup, Washington."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 19, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10155. Misbranding of cocoa. U. S. \* \* \* v. Lionel Edward Samuels (National Cocoa Mills). Pleas of guilty. Fines, \$40.** (F. & D. Nos. 14327, 14334. I. S. Nos. 7686-r, 12836-r.)

On July 5, 1921, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against Lionel Edward Samuels, trading as the National Cocoa Mills, New York, N. Y., alleging shipment by said defendant, on or about September 19 and November 23, 1918, respectively, in violation of the Food and Drugs Act, as amended, from the State of New York into the States of Rhode Island and Michigan, of quantities of cocoa which was misbranded. The article was labeled in part: "My Own Pure Cocoa. \* \* \* National Cocoa Mills, New York City \* \* \*."

Misbranding of the article was alleged in the informations for the reason that the statement, to wit, "Net Weight  $\frac{1}{2}$  Lb.," borne on the packages containing the article, regarding the article, was false and misleading in that it repre-

sented that each of the said packages contained by weight one-half pound net of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained one-half pound net of the said article, whereas, in truth and in fact, each of the said packages did not contain by weight one-half pound net of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 19, 1921, the defendant entered pleas of guilty to the informations, and the court imposed fines in the aggregate sum of \$40.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10156. Adulteration and misbranding of cocoa. U. S. \* \* \* v. Lionel Edward Samuels (National Cocoa Mills). Pleas of guilty. Fines, \$140.** (F. & D. Nos. 14328, 14329, 14330, 14331, 14332, 14335, 14336. I. S. Nos. 12840-r, 12841-r, 13007-r, 13008-r, 13009-r, 13010-r, 13012-r, 15791-r.)

On July 5 and 28, 1921, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against Lionel Edward Samuels, trading as the National Cocoa Mills, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about February 26 and March 1 and 28, 1919, respectively, from the State of New York into the State of Massachusetts, and on or about March 26, 1919, from the State of New York into the State of Maryland, of quantities of cocoa which was adulterated and misbranded. The article was labeled in part: "My Own Pure Cocoa \* \* \* National Cocoa Mills, New York City \* \* \*."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was a mixture of cocoa, cocoa shells, starch, and sugar. Examination by said bureau showed that the article involved in certain of the consignments was short weight.

Adulteration of the article was alleged in the informations for the reason that certain substances, to wit, cocoa shells, starch, and sugar, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for pure cocoa, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "\* \* \* Pure Cocoa The Cocoa contained in this package is Positively High Grade \* \* \* It is a breakfast cocoa of Superior Quality and Excellence and similar to the highest grades of cocoa which have been awarded First Prize Gold Medals Paris, France, Naples, Italy, London, England, World's Fair 1885, St. Louis Exposition 1904 Absolutely Pure \* \* \*," borne on the packages containing the article, together with the respective statements, "Net Weight  $\frac{1}{2}$  Lb." and "Net Weight  $\frac{1}{2}$  Lb.," borne on the packages containing a portion of the said article, regarding the article and the ingredients and substances contained therein, not corrected by the statement "'My Own' Cocoa Compound Containing Cocoa Sugar Corn Starch," stamped on the said packages, were false and misleading in that they represented that the article consisted wholly of absolutely pure cocoa of the highest grade, and that certain of the said packages contained by weight one-fifth pound or one-half pound, as the case might be, of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of absolutely pure cocoa of the highest grade, and that certain of the said packages contained by weight one-fifth pound or one-half pound, as the case might be, of the said article, whereas, in fact and in truth, the said article did not consist wholly of absolutely pure cocoa of the highest grade, and the said packages so labeled "Net Weight  $\frac{1}{2}$  Lb." and "Net Weight  $\frac{1}{2}$  Lb.," respectively, did not contain by weight one-fifth pound net or one-half pound net, as the case might be, of the said article, but did contain a less amount. Misbranding was alleged with respect to a portion of the said article for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 19, 1921, the defendant entered pleas of guilty to the informations, and the court imposed fines in the aggregate sum of \$140.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*